

SCHEDULE "A"

IN THE MATTER OF

**CLAUDIA SORGINI v. SIMCOE MUSKOKA CATHOLIC DISTRICT
SCHOOL BOARD, ST. THERESA'S CATHOLIC HIGH SCHOOL
and ONTARIO CATHOLIC SCHOOL TRUSTEES ASSOCIATION**

BEFORE THE HUMAN RIGHTS TRIBUNAL OF ONTARIO

May 31st, 2017

PUBLIC INTEREST REMEDIES

WHEREAS Catholic denominational schools in Ontario are protected by the *Constitution Act, 1867* and the *Education Act*, RSO 1990, c E.2;

AND WHEREAS the *Education Act* gives certain students who attend Catholic secondary schools in Ontario the right on written application to be exempted from taking part in any program or course of study in religious education;

AND WHEREAS the parties recognize and acknowledge that the Ontario *Human Rights Code*, RSO 1990, c H.19 protects the right of students to be free from discrimination on the ground of creed, and that includes the right to be free from religious or creed-based pressure;

The parties agree as follows:

1. The Respondent Simcoe Muskoka Catholic District School Board (the "Board") agrees to prepare and adopt new procedure entitled "Simcoe Muskoka Catholic District School Board Practice and Process Procedure around Religious Exemptions" (the "Practice and Process Procedure"). The Practice and Process Procedure will be consistent with the *Education Act*, *Human Rights Code* and the Ontario Human Rights Commission *Policy on Preventing Discrimination Based on Creed*.
2. It is understood that the Respondent Ontario Catholic School Trustees' Association ("OCSTA") is an advisory body and has no authority to compel or direct Catholic school boards to adopt any policies or procedures. OCSTA agrees that once the Practice and Process Procedure is finalized by the Board, it will distribute the Practice and Process Procedure to all 29 Catholic school boards.

3. The Practice and Process Procedure will emphasize:

- The statutory requirement to provide an exemption under subsection 42(13) of the *Education Act*.

It provides:

“[...] no person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic board shall be required to take part in any program or course of study in religious education on written application to the Board of,

- (a) the parent or guardian of the person;
 - (b) in the case of a person who is 16 or 17 years old who has withdrawn from parental control, the person himself or herself;
 - (c) in the case of a person who is 18 years old or older, the person himself or herself.”
- To assist students, parents or guardians in making a written application for an exemption, a standardized exemption application form shall be made available to students, with information requirements that are sufficient to determine the student’s eligibility to the exemption under subsection 42(13) of the *Education Act*. The form will also include a general list of programs, activities or course(s) of study that are eligible for the exemption and which the student can select.
 - Students have the right to request an exemption from any specific religious program, course or activity while retaining the right to participate in other religious programs, courses or activities.
 - Upon receipt of the standardized form, the school will assess the student’s eligibility for an exemption.
 - Once the student’s eligibility is confirmed, the exemption will be provided by the school without delay, pressure or other adverse treatment.
 - Students who apply for the exemption will not be asked to provide any reasons for their request, nor attend any meeting with school or board officials as a precondition to the application being recognized and accepted.
 - The exemption may apply to religious programs, courses or activities with a substantial component of religious content. For example, exempted students may not be required to participate in prayer and liturgical activities, nor required to attend at religious observances. Schools should produce a list of religious programs, courses or activities to which the exemption may apply, and the list

should accompany the standardized form. Students, parents or guardians may also question whether other courses, programs or activities are religious education for the purposes of subsection 42(13) of the *Education Act*.

- Students with exemptions shall be given the opportunity to take alternative course or program offerings to the extent reasonably possible in line with ordinary course selection procedures. At the student's request, the school will work with the student to provide information to assist him or her in making an informed decision.
 - Students with exemptions from religious courses and activities must be treated with dignity and respect.
4. The Board shall share a draft of the new Practice and Process Procedure with the Ontario Human Rights Commission within three months of this settlement, along with the Public Interest Remedies document, and will provide the Commission with an opportunity to make comments on the draft Procedure if it wishes to do so.
 5. The Board shall finalize and adopt the Practice and Process Procedure within six months of the date of this settlement and shall provide a copy to the Applicant.
 6. Within 30 days of the Board adopting the Practice and Process Procedure, OCSTA shall send a memo to Chairpersons and Directors of Education of all Catholic District School Boards in Ontario, attaching copy of the Practice and Process Procedure, advising school boards of the settlement under the *Human Rights Code* and encourage all boards to review their existing policies and procedures in comparison with the Simcoe Muskoka Catholic District School Board's Practice and Process Procedure.
 7. The Respondents, Simcoe Muskoka Catholic District School Board and St. Theresa's High School, shall make the Practice and Process Procedure available and publicly accessible on their websites.